

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

In the Matter of)

Modification of DTV Channel)

Allotment for Television Station)

KAME-TV, Reno, Nevada)

RM —

RECEIVED

JUL 28 2000

FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

PETITION FOR RULEMAKING TO MODIFY DTV CHANNEL ALLOTMENT

Broadcast Development Corporation ("BDC"), licensee of television station KAME-TV, Reno, Nevada, by its attorneys, hereby requests that the Commission initiate proceedings to amend Section 73.622 of its rules and Appendix B to its Second Memorandum Opinion and Order on Reconsideration of the Fifth and Sixth Reports and Orders in MM Docket No. 87-268 ("Appendix B") to substitute DTV Channel 20 for DTV Channel 22 as the DTV transition channel to be paired with KAME-TV's Channel 21 NTSC allotment. In association with this channel substitution, BDC requests reference facilities of 50 kW ERP and 189 Meters antenna radiation center height above average terrain ("HAAT") for DTV Channel 20. Concurrently with this petition, BDC is filing an application on FCC Form 301 for a minor change to specify DTV Channel 20 in lieu of DTV Channel 22 on its license.

DISCUSSION

KAME-TV currently broadcasts on Channel 21 in Reno, Nevada. The DTV Table of Allotments provides that KAME-DT is to use the upper adjacent channel — Channel 22 — at 50 kW ERP and 189 meters antenna radiation center HAAT. Deployment of KAME-DT at the existing KAME-TV site would, however, be greatly simplified and facilitated if it were able to use the lower adjacent channel — Channel 20 — for DTV operation.

As set forth in the attached engineering exhibit, use of Channel 20 for DTV operations in lieu of Channel 22 would involve less complex filtering to prevent disturbance of the KAME-TV aural signal, and also would make possible the future use of a single antenna for both KAME-TV and KAME-DT. Further, the changes proposed herein are consistent with the principal community coverage requirements of Section 73.625(a) and the interference limits of Section 73.623(c)(2) of the Commission's rules.

No change is proposed to the allotment reference ERP and antenna radiation center HAAT, or to the geographic coordinates for the allotment reference point.

CONCLUSION

Accordingly, BDC request that the Commission initiate proceedings to amend Section 73.622(b) of the rules to substitute Channel 20 for Channel 22 as the DTV transition channel to be paired with television station KAME-TV's Channel 21 NTSC allotment.

Respectfully submitted,

BROADCAST DEVELOPMENT CORPORATION

/s/ W. Kenneth Ferree
Joseph A. Godles
W. Kenneth Ferree

GOLDBERG, GODLES, WIENER & WRIGHT
1229 Nineteenth Street, NW
Washington, DC 20036
(202) 429-4900

Its Attorneys

July 28, 2000

**ENGINEERING EXHIBIT
IN SUPPORT OF A
PETITION FOR RULEMAKING
TO AMEND SECTION 73.622(b) OF THE FCC RULES,
DTV TABLE OF ALLOTMENTS
BROADCAST DEVELOPMENT CORPORATION
STATION KAME-DT
RENO, NEVADA**

ENGINEERING STATEMENT

The engineering exhibit of which this statement is part was prepared in accordance with Section 73.623(c) of the FCC Rules on behalf of Broadcast Development Corporation (hereinafter BDC) to request the substitution of digital television (DTV) channel 20 (506-512 megahertz (MHz)) for DTV channel 22 (518-524 MHz) at Reno, Nevada, for use by its station KAME-DT. KAME-TV, Reno, Nevada, is licensed to operate on NTSC channel 21 (512-518 MHz), and Table 1, *DTV Allotments, Assignment Pairings with Analog Stations, and Service Replication and Interference Evaluation*, of the *Sixth Report and Order* in MM Docket Number 87-268, as revised, pairs DTV channel 22 with the existing KAME-TV NTSC channel 21 assignment. The reference facilities for DTV operation on channel 22 at Reno are 50 kilowatts (kW) effective radiated power (ERP) and 189 meters antenna

radiation center height above average terrain (HAAT). The reference coordinates for the DTV channel 22 allotment at Reno are:

39° 35' 04" North Latitude

119° 47' 51" West Longitude.

BDC believes that deployment of KAME-DT at the existing KAME-TV site would be simplified by utilizing the lower adjacent channel (channel 20) to the KAME-TV analog channel assignment for DTV operation in lieu of the upper adjacent channel (channel 22) to the KAME-TV analog channel assignment because less complex filtering would be required to prevent disturbance of the KAME-TV aural signal by the filtering and antenna systems. This change also would facilitate the future use of a common antenna by KAME-TV and KAME-DT.

BDC requests reference facilities of 50 kW ERP and 189 meters antenna radiation center HAAT for DTV channel 20 at Reno. That is, there are no changes proposed to the allotment reference ERP and antenna radiation center HAAT or to the geographic coordinates for the allotment reference point. The substitution of DTV channel 20 for TV channel 22 at

Reno complies with the principal community coverage requirements of Section 73.625(a) of the FCC Rules and the interference limits set forth in Section 73.623(c)(2) of the FCC Rules.

Figure 1, Sheet 1, of this exhibit is a portion of the National Atlas Central Pacific States 1:2,000,000 Series USGS map showing the location of the 41 dB μ F(50,90) coverage contour for the operation of KAME-DT at the allotment reference point with the allotment reference facilities of 50 kW ERP and 189 meters antenna radiation center HAAT. Figure 1, Sheet 1, shows that all of Reno, Nevada, is enclosed by the proposed KAME-DT principal community coverage contour as required by the FCC Rules. The distances to the coverage contour shown on the map of Figure 1, Sheet 1, are tabulated in Figure 1, Sheet 2 of this exhibit.

Studies made using the FCC's Fortran Longley-Rice (FLR) model show that virtually no interference to other stations, assignments, or allotments is predicted from the use of DTV channel 20 at Reno as is proposed herein. Thus, this proposal comports with the technical requirements of Section 73.623 of the FCC Rules.

DENNY & ASSOCIATES, P.C.
CONSULTING ENGINEERS
WASHINGTON, D.C.

Engineering Exhibit
Petition for Rulemaking
KAME-DT, Reno, Nevada

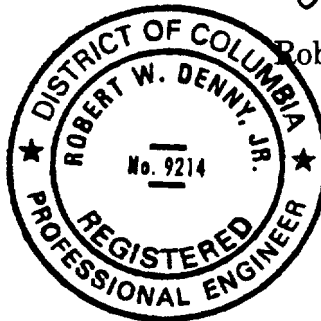
Page 4

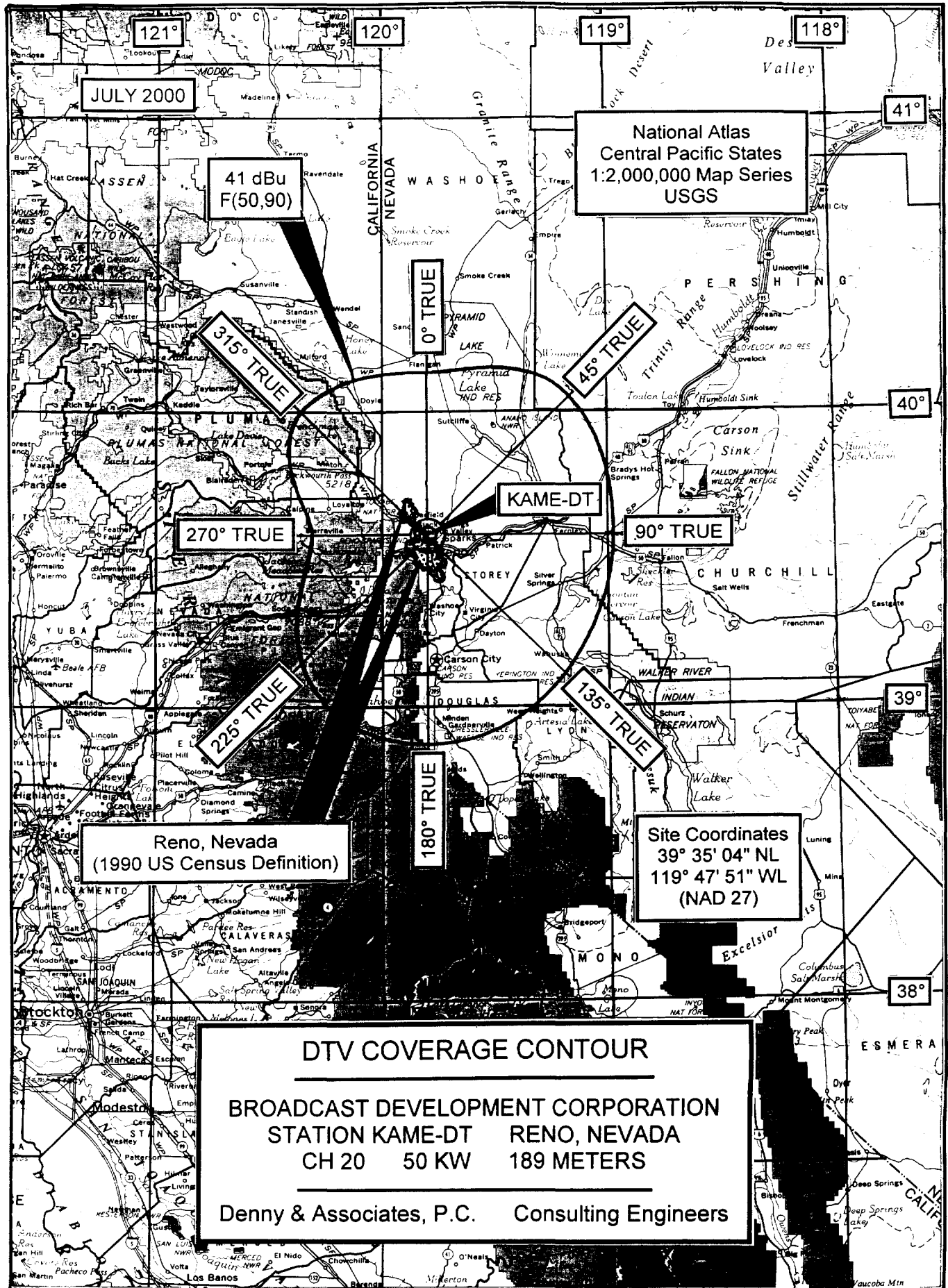
The proposed reference point for DTV channel 20 at Reno is more than 500 kilometers from the city center of Los Angeles. Hence, this proposal also complies with the requirements of Section 73.623(e) of the FCC Rules with respect to DTV-to-land mobile spacing standards.

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 7, 2000.



Robert W. Denny, Jr., P.E.





**ENGINEERING EXHIBIT
IN SUPPORT OF A
PETITION FOR RULE MAKING
TO AMEND SECTION 73.622(b) OF THE FCC RULES,
DTV TABLE OF ALLOTMENTS
BROADCAST DEVELOPMENT CORPORATION
STATION KAME-DT
RENO, NEVADA
CH 20 50 KW 189 METERS**

Tabulation of Average Elevations and
Distances to the DTV Coverage Contour

<u>Azimuth</u> (deg. T)	<u>3.2-16.1 km Average Terrain Elevation</u> (m. AMSL)	<u>Antenna Radiation Center Height Above Average Terrain</u> (meters)	<u>Distance to DTV Coverage (41 dBμ, F(50,90)) Contour</u> (km)
0	1630	115	60.9
45	1438	307	74.6
90	1489	256	70.6
135	1448	297	73.8
180	1393	352	78.9
225	1519	226	68.6
270	1982	-237	44.5
315	1546	199	66.8
Average	<u>1555.6</u>	<u>189.4</u> (rounded to 189)	

[DRAFT NOTICE OF PROPOSED RULE MAKING, SUBMITTED
PURSUANT TO SECTION 1.401(d) OF THE COMMISSION'S RULES]

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Amendment of Section 73.622(b),)	MM Docket No. RM
Table of Allotments, Digital)	
Television Broadcast Stations)	
(Reno, Nevada))	

NOTICE OF PROPOSED RULE MAKING

Adopted:

Released:

Comment Date:

By the Chief, Video Services Division:

1. The Commission has before it a petition for rulemaking filed by Broadcast Development Corporation ("Petitioner"), licensee of NTSC television station KAME-TV, Reno, Nevada. Petitioner requests the substitution of Channel 20 for Channel 22 as the DTV channel assigned for use by KAME-DT in Reno. No change in the effective radiated power or maximum antenna height above average terrain is requested.

2. In support of its request, Petitioner states that the use of Channel 20 for KAME-DT operations would involve less complex filtering in order to prevent disturbance to the KAME-TV aural signal. Petitioner further states that the substitution of DTV Channel 20 for DTV Channel 22 would make it possible for KAME-TV and KAME-DT to use a single antenna.

3. Petitioner requests, therefore, that the Commission initiate proceedings to substitute Channel 20 for Channel 22 as its DTV channel. Petitioner has submitted engineering materials demonstrating that the proposed substitution would be consistent with the requirements of Section 73.623 of the Rules in that (1) the principal city coverage requirements of Section 73.625(a) of the Rules would be satisfied and (2) no NTSC or DTV station would receive interference from a KAME-DT Channel 20 operation in excess of the de minimis standard established in Section 73.623(c)(2) of the Rules.

4. We believe that Petitioner's proposal warrants consideration since it would promote efficient use of the spectrum and facilitate the DTV transition in Reno, Nevada, and because the proposal complies with the criteria set forth in Section 73.623 of the Rules. We therefore propose to modify Section 73.622(b) as requested by Petitioner.

6. Accordingly, we seek comments on the proposed amendment of the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules, as set forth below for the listed community:

<u>City</u>	<u>Present Channel No.</u>	<u>Proposed Channel No.</u>
Reno, NV	*15, 22c, 23, 26, 32, 34, 44	*15, 20, 23, 26, 32, 34, 44

The Commissioner's authority to institute rulemaking proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. In particular, we note that a showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be allotted.

Interested parties may file comments on or before _____, and reply comments on or before _____, and are advised to read the Appendix for the proper procedures. Comments should be filed with the Secretary, Federal Communications Commission, Washington, D.C. 20554. Additionally, a copy of such comments should be served on the petitioner, or its counsel or consultant, as follows:

Ken Ferree
Goldberg, Godles, Wiener & Wright
1229 19th Street, NW
Washington, DC 20036
(202) 429-4900

The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rulemaking proceedings to amend the TV Table of Allotments, Section 73.606(b) of the Commission's Rules. See Certification That Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, February 9, 1981. The Regulatory Flexibility Act of 1980 also would not apply to rulemaking proceedings to amend the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules.

For further information concerning this proceeding, contact _____, Mass Media Bureau, (202) 418-1600. For purposes of this restricted notice and comment rule making proceeding, members of the public are advised that no ex parte presentations are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the proceeding has been decided and such decision is no longer subject to reconsideration by the Commission or review by any court. An ex parte presentation is not prohibited if specifically requested by the Commission or staff for the clarification or adduction of evidence or resolution of issues in the proceeding. However, any new written information elicited from such a request or a summary of any new oral information shall be served by the person making the presentation upon the other parties to the proceeding unless the Commission specifically waives this service requirement. Any comment which has not been served on the petitioner constitutes an ex parte presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an ex parte presentation and shall not be considered in the proceeding.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Services Division
Mass Media Bureau

Attachment: Appendix

APPENDIX

1. Pursuant to authority found in Sections 4(i), 5(c)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS PROPOSED TO AMEND the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. Showings Required. Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is allotted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. Cut-off protection. The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposals in this Notice, they will be considered as comments in the proceeding, and Public Notice to his effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to allot a different channel than was requested for any of the communities involved.

4. Comments and Reply Comments; Service. Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or by persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See Section 1.420(a), (b) and (c) of the Commission's Rules.) Comments should

be filed with the Secretary, Federal Communications Commission, Washington, D.C. 20554.

5. Number of Copies. In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. Public Inspection of Filings. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Reference Center (Room CY-A257) at its headquarters, 445 12th Street, SW, Washington, D.C.